



DEPARTMENT OF PERSONNEL

209 E. Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
www.state.nv.us/personnel/

MEMO PERD #07/04

February 6, 2004

TO: Designees for Personnel Rules Distribution
FROM: Jeanne Greene, Director
Department of Personnel
SUBJECT: PERSONNEL REGULATION CHANGES EFFECTIVE 1/27/04

Enclosed are permanent regulations adopted by the Personnel Commission on December 19, 2003, and became effective on January 27, 2004, the date they were filed with the Secretary of State. The revisions to the regulations appear in bold type.

The following regulations were repealed effective January 27, 2004: NAC 284.090, 284.296, 284.299, 284.306, 284.310, 284.320, 284.354, 284.355, 284.362, 284.363, 284.384, 284.385, and 284.443.

Please see that all administrators and personnel representatives, as appropriate, are advised of these changes. You may wish to reproduce these pages and distribute them to all personnel rule recipients. These revisions are also available on our website at <http://dop.nv.gov/>.

Once the Legislative Counsel Bureau codifies the regulations, the *Rules for Personnel Administration* will be republished and sent to you for distribution in your agency.

JG:cp

Attachments

cc Agency Personnel Liaisons
Agency Personnel Representatives

Section 2 of LCB File No. R096-03 Determining seniority for the purposes of layoff.

1. For purposes of calculating an employee's seniority for NAC 284.614, 284.618 and 284.630:
 - (a) *Except as otherwise provided in this section, the* total number of years of continuous full-time equivalent service up to the effective date of the layoff must be included.
 - (b) Except as otherwise provided in subsection 2, the sum of the calculation made pursuant to paragraph (a) *or, if applicable, subsection 5* must be reduced by the following periods if those periods occurred during the **36 months** immediately preceding the date of the *notification of* layoff:
 - (1) For a nonexempt employee, any combination of leave without pay and catastrophic leave in excess of 240 hours in a year;
 - (2) For an exempt classified employee or exempt unclassified employee, any combination of leave without pay and catastrophic leave in excess of 30 working days in a year; and
 - (3) Any time covered by a report on performance which rated the employee below standard except that no report on performance may be considered for the time covered within 75 calendar days before the notification of layoff was issued.
2. The reduction in the calculation of seniority required by paragraph (b) of subsection 1:
 - (a) May not include a:
 - (1) Leave of absence without pay during a fiscal emergency of the State pursuant to NAC 284.580;
 - (2) Leave of absence without pay for a work-related injury or illness pursuant to NRS 281.390; and
 - (3) Military leave of absence pursuant to NRS 284.359.
 - (b) For the purposes of the reduction in the calculation of seniority required by subparagraphs (1) and (2) of paragraph (b) of subsection 1, an employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his pay class designation.
3. Except as otherwise provided in subsection 4, if seniority is otherwise equal, seniority must be determined in the following order:
 - (a) Total time within the occupational group;
 - (b) Total time within the department; and
 - (c) By lot.
4. For the purposes of reemployment, if seniority is otherwise equal, seniority must be determined by lot.
5. *A department may request from the Commission approval to calculate the number of years of continuous full-time equivalent service of an employee of the department by doubling the time spent by the employee in his present occupational group as categorized by NRS 284.171 and adding that amount to the time spent by the employee in all former occupational groups up to the date of layoff. If the Commission approves the request of the department to calculate the*

number of years of service pursuant to this section, the department shall use this method to calculate the number of years of service:

- (a) Only to determine which employees will receive a layoff notice and not for the placement of those employees on the reemployment list; and*
- (b) Until the department seeks from and is granted approval by the Commission to revert to the method of calculating the number of years of service set forth in paragraph (a) of subsection 1.*

6. *As used in subparagraphs (1) and (2) of paragraph (b) of subsection 1, “year” means a period equal to 12 months of full-time equivalent service measured backward from the date of the notification of layoff.*

NAC 284.0533 “Dating relationship” defined. (NRS 284.155) “Dating relationship” means *an intimate association primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.*

(Added to NAC by Dep’t of Personnel by R058-01, eff. 9-6-2001; R183-03, 1-27-2004)

NAC 284.076 “Permanent employee” defined. “Permanent employee” means an employee who has successfully completed the probationary period for any class he has held during continuous classified service. The term does not include a person *who:*

- 1. Is reemployed after having been laid off and is serving a new probationary period as required by subsection 6 of NAC 284.630 ; or*
- 2. Is reemployed pursuant to NAC 284.6014 after having sustained a permanent disability and is serving a new probationary period as required by subsection 2 of NAC 284.6018.*

(Added to NAC by Dep’t of Personnel, eff. 8-1-91; A 3-1-96; R183-03, 1-27-2004)

NAC 284.088 “Promotion” defined. “Promotion” means an advancement to a position in a class which has a higher grade than the class previously held. *The term does not include the restoration of a promoted employee to his former position pursuant to NAC 284.462.*

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; R183-03, 1-27-2004)

NAC 284.093 “Reappointment” defined. “Reappointment” means a noncompetitive appointment of *a current* employee to a class he formerly held or to a comparable class.

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-1-91; R183-03, 1-27-2004)

NAC 284.110 “Underfill” defined. “Underfill” means the filling of a position with an employee holding a position in a lower classification, except for those situations where employees are in classifications which are training or intermediate levels preparatory to promotion to the *journey* level class.

[Personnel Div., Rule I § D subsec. 30, eff. 4-14-76; R183-03, 1-27-2004]

NAC 284.182 Adjustment and retention of pay progression date; restoration of date of appointment and pay progression date. (NRS 284.155, 284.175)

1. An employee receives a new pay progression date if he is:
 - (a) Promoted to a position that results in an increase of two grades or more; or
 - (b) Reinstated.
2. An employee retains his pay progression date if he is:
 - (a) Promoted to a position that results in an increase of one grade;
 - (b) In a position that is reclassified to a higher class as a result of an individual classification study or an occupational study;
 - (c) Transferred to a position without receiving an increase in grade;
 - (d) Reappointed to a position at a grade that he formerly held;
 - (e) Reemployed and has remained continuously employed; or
 - (f) Demoted.
3. If a person who is eligible for military reemployment is reemployed, he retains the pay progression date held when he separated from this state for his service in the military.
4. If an employee was promoted but is being restored to his former position pursuant to the provisions of NAC 284.462, the date of appointment and pay progression date of the former position must be restored.
5. Except as otherwise provided in this subsection, an employee’s pay progression date must be adjusted:
 - (a) To equal 1 year of full-time equivalent service for an employee who changes from full-time employment to part-time employment or from part-time employment to full-time employment; or
 - (b) On a day-for-day basis for the amount of time that he was unemployed if the employee:
 - (1) Is reemployed following a separation from state service within 1 year after the date on which he was laid off or received a seasonal separation.
 - (2) Is a person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013.
 - (3) Is:
 - (I) A nonexempt employee who is on leave without pay, or on catastrophic leave, in excess of 240 hours; or

- (II) An exempt classified employee *who is* on leave without pay, or on catastrophic leave, in excess of 30 working days, in a year, except for leave without pay for a work-related injury or illness pursuant to NRS 281.390 or on a military leave of absence pursuant to NRS 284.359 or a leave of absence without pay during a fiscal emergency pursuant to NAC 284.580. An employee whose base hours are more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the base hours for his pay class designation. *As used in this subparagraph, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.*

[Personnel Div., Rule III part § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96; 10-27-97; 10-27-97; R043-99, 9-27-99; R147-01, 1-22-2002; R182-03, 1-27-2004)

NAC 284.196 Merit pay increase: Credit for service under certain circumstances. (NRS 284.175)

1. *Service* in any provisional, temporary, special disabled or emergency status that is immediately followed by probationary or permanent status must be credited toward eligibility for a merit pay increase.
2. Service in a seasonal position must be credited toward eligibility for a merit pay increase. An incumbent in such a seasonal position must complete 1 year of full-time equivalent service before he is eligible for a merit pay increase.

(Added to NAC by Dep't of Personnel by R147-01, eff. 1-22-2002; R182-03, 1-27-2004)

NAC 284.208 Compensation for dangerous duty. (NRS 284.175)

1. Except as otherwise provided in subsection 3, only the following groups, under the conditions described, are entitled to receive pay for dangerous duty:
 - (a) Employees engaged in scuba or skin diving.
 - (b) Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building if the work is performed on portable equipment or outside of a railed or protected area.
 - (c) All employees, except pilots, for time spent in single engine aircraft or helicopters when required to do so by the employer.
 - (d) Employees required to handle or use explosives.
 - (e) *Employees performing maintenance or abatement on materials containing lead paint or asbestos, or both, in any area in which personal protective equipment must be worn in compliance with 29 C.F.R. Part 1910, Subpart I.*
2. Except as otherwise provided in this subsection and subsection 3, an employee who performs any dangerous duty must receive additional pay equal to 10 percent of his normal rate of pay for each hour in which he performs any dangerous duty. An exempt classified employee who

performs any dangerous duty for any portion of a workday must receive the additional pay for all his regularly scheduled hours of employment on that workday.

3. An employee described in subsection 1 is not entitled to receive pay for dangerous duty if the duties that he performs are an inherent and regular part of the duties assigned to the class of which the employee is a member. These duties need not appear in the class specification, and compensation for the performance of those duties may be made only if the duties performed by the employee would not be required of the class as a whole.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-17-87; 3-23-94; R082-00, 8-2-2000; R147-01, 1-22-2002; R068-03; R182-03, 1-27-2004)

NAC 284.295 Determining type of recruitment.

1. *The* department of personnel will determine the type of recruitment based on:
 - (a) The number of current or anticipated vacancies;
 - (b) The anticipated number of applicants; and
 - (c) The recommendations or requests of the appointing authority
2. Except as otherwise provided in subsection 3, a recruitment must be restricted to one or a combination of these groups in the following order of priority:
 - (a) Applicants for promotion from within the division where the vacancy exists.
 - (b) Applicants for promotion from within the department where the vacancy exists.
 - (c) Applicants for promotion from throughout state service.
 - (d) Applicants for appointment from open competition.

If a recruitment includes more than one promotional group, any group with a higher priority must be included and receive preference.

3. Recruitment may be open competitive, or limited to or combined with any one or more of the promotional groups listed in subsection 2 if:
 - (a) The appointing authority certifies in writing to the department of personnel that, in accordance with the provisions of NAC 284.297, it is in the best interest of the agency to expand the recruitment to allow other groups to compete equally; or
 - (b) The class is designated in the classification plan as:
 - (1) Entry level because it is not a normal progression from another class; or
 - (2) One for which applicants for promotion are not normally available.

4. The provisions of this section do not prohibit the department of personnel or its designee from conducting a recruitment in anticipation of a vacancy.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; R183-03, 1-27-2004)

NAC 284.297 Determining practicability of limiting consideration to persons eligible for promotion. *In determining that it is in the best interest of the agency to expand a recruitment to open competition, the appointing authority shall consider:*

1. The merit, fitness, efficiency, character, conduct and length of service of *employees*, pursuant to NRS 284.295;
2. The need to provide to all citizens a fair and equal opportunity for public service;
3. The composition of the work force in relation to the plan for affirmative action of the State of Nevada;
4. The needs of the agency in accomplishing its objectives; and
5. The possibility of any loss of federal money or other sanctions that may be imposed.

(Added to NAC by Dep't of Personnel, eff. 4-20-90; R183-03, 1-27-2004)

NAC 284.298 Competitive examinations.

1. Except as otherwise provided in this chapter and in chapter 284 of NRS, an appointment to or within the classified service must be made through the use of competitive examinations.
2. *Examinations may be:*
 - (a) *Structured or unstructured;*
 - (b) *Scored or unscored;*
 - (c) *Written or oral;*
 - (d) *In the form of a demonstration of skill or technical knowledge;*
 - (e) *An evaluation of training and experience; or*
 - (f) *Any combination of paragraphs (a) to (e), inclusive.*
3. Examinations which measure an applicant's capacity, manual skill and physical fitness *may be used if such capacity, skill or fitness* is related to the job.
4. *Examination materials, including questions and scratch paper, are the property of the Department of Personnel.*
5. *The administration of an examination may be modified for the purpose of more fairly testing the abilities of a qualified person with a disability if the modification does not alter the reliability and validity of the examination.*
6. *If a grievance is filed concerning an examination in accordance with NAC 284.658 to 284.695, inclusive, the Director will not fill any vacancy from the list established by the examination unless the Director determines that there is an urgent and compelling need to fill that vacancy.*

[Personnel Div., Rule IV part § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 11-12-93; R183-03, 1-27-2004)

NAC 284.300 Requirements for selection of assessor of center for assessment.

1. Assessors of a center for assessment must be selected:
 - (a) From at least two different departments; or

- (b) From a combination of departments or other public or private employers.
- 2. Each assessor must be trained in the method of examination used by the center for assessment before he examines an applicant.
- 3. *Oral, written and performance exercises administered by a center for assessment must:*
 - (a) *Be administered under standardized conditions;*
 - (b) *Be related to performance of the job;*
 - (c) *Be evaluated by more than one assessor; and*
 - (d) *Measure the skills, knowledge and other attributes of a person which are important to his successful performance of the job.*

(Added to NAC by Dep't of Personnel, eff. 11-12-93; R183-03, 1-27-2004)

NAC 284.302 Investigations of applicants.

- 1. To determine whether an applicant meets the minimum qualifications established for the class or position and other necessary criteria, the Department of Personnel may require *evidence of United States* citizenship, alien status, discharge under honorable circumstances from the Armed Forces of the United States, possession of valid licenses for various purposes, educational transcripts or other evidence of identification and qualification. Except as otherwise provided in NAC 284.342 *with respect to a request for a veteran's preference*, any required information which is not received by the time of certification will be cause for the director to decline to certify the applicant.
- 2. *A reasonable minimum age requirement may be established for any position that involves public safety, supervision or care of wards of the State of Nevada, hazardous working conditions or other unusual circumstances. If such a minimum age requirement is established, it must be specified in the approved class specification or the publicized job announcement and an applicant shall, upon request, submit appropriate proof of age to the Department of Personnel.*
- 3. The Department of Personnel or employing agency may investigate an applicant's character, past employment, education, *experience and, as allowed by specific statute, criminal background.*

[Personnel Div., Rule IV part § A, eff. 8-11-73; Rule IV § B, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-6-92; R183-03, 1-27-2004)

NAC 284.318 Limitation of competition in recruitment.

- 1. Except as otherwise provided in this subsection, competition in a recruitment is limited to applicants who meet the minimum qualifications and other criteria *or conditions* for the class or position *as specified in the publicized job announcement. The publicized job announcement* may provide for the consideration of applicants who do not currently meet those minimum qualifications but who will do so by the time their names are placed on an eligible list.
- 2. *It is the responsibility of an applicant to apply for any recruitment for which he is interested. Future vacancies may be filled from the results of appropriate prior recruitments.*

3. *Each applicant must submit an application as specified in the publicized job announcement. The application must be received no later than 5 p.m. on the final date specified in the publicized job announcement.*
4. *The incomplete or improper completion of an application that affects the ability of the Department of Personnel to determine the qualifications of the applicant, including the failure to designate the locations where the applicant will work and other criteria or conditions, is cause for the rejection of the applicant.*
5. If a recruitment produces a sufficient number of applicants, the Department of Personnel *may*, as an additional phase of the process of examination, *approve the obtaining of supplemental information from each applicant to assess his qualifications if the publicized job announcement includes notice that such supplemental information may be required.* Only those applicants who are considered the most qualified, based on this assessment, may continue in the competition.
6. Except as otherwise provided in subsection 8, competition in a promotional recruitment is limited to current state employees who:
 - (a) Have served at least 6 months of continuous *full-time equivalent* service in a probationary, special disabled, emergency, provisional or permanent status or any combination of these in the classified service.
 - (b) Are working in the division, department, or state service which is specified in the *publicized job announcement.*
7. *An employee who competes in a promotional recruitment may be at a higher grade, the same grade or a lower grade than the grade of the class for which the recruitment is being conducted. Depending on the grade of the employee, an appointment resulting from a promotional recruitment may be a voluntary demotion, a lateral transfer or a promotion.*
8. A former incumbent of a seasonal position who was separated from state service with the status of a permanent employee may apply for a promotional recruitment up to 1 year after the day of separation even though he is not currently employed. The prior appointment must have been in the division, department or state service which is specified in the *publicized job announcement.*
9. *Applications and accompanying documents are the property of the Department of Personnel.*

[Personnel Div., Rule IV § F, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 8-1-91; 7-6-92; R183-03, 1-27-2004)

NAC 284.322 Released time for examination.

1. Upon giving reasonable notice to his immediate supervisor, a qualified employee must be permitted to take an appropriate amount of released time to participate in any examination given by the department of personnel or its designated representative during work hours. *Such* time is equivalent to time which is worked.
2. The time spent participating in an examination which exceeds the normal workday or work week does not qualify for overtime.
3. For the purpose of this section, *an* employment interview *for a position in the classified, unclassified or nonclassified service of the State of Nevada* is considered *to be* part of the examination process.

[Personnel Div., Rule IV § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.326 Period for filling application.

1. The Department of Personnel will, after appropriate consideration of a requesting agency's views, determine the length of the *recruitment* based upon, but not limited to, the number of vacancies and the size and geographic distribution of the anticipated pool of applicants.
2. The Department of Personnel may postpone, cancel or extend any recruitment by giving appropriate notice thereof.

[Personnel Div., Rule IV § H, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.330 Continuous recruitment.

1. The Department of Personnel may conduct recruitments and administer examinations in order to provide the names of eligible persons on a continuous basis.
2. *An applicant achieves eligibility for certification from the date on which he successfully completes the examination.*
3. The names of eligible persons who took the same or a comparable examination on different dates *will* be certified *on the same list*.

[Personnel Div., Rule IV § I, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.334 Notice of recruitment. (NRS 284.105, 284.155)

1. Notice of each recruitment will be given *in the form of a publicized job announcement*. Dissemination of the *publicized job announcement* may be limited to the appropriate agencies and employees when the recruitment is strictly promotional.
2. *A publicized job announcement* will include the title, pay or grade, *recruitment period* and location. *The announcement* may also include, or on promotional recruitments *will* include, information relating to:
 - (a) The special conditions of employment, if applicable;
 - (b) The duties and responsibilities of the class or position;
 - (c) The minimum qualifications; and
 - (d) The type of examination, relative weights assigned to the parts thereof and the subjects to be covered, and other related matters.

[Personnel Div., Rule IV § J, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R147-01, 1-22-2002; R183-03, 1-27-2004)

NAC 284.338 Minimum passing scores; computation of final scores.

1. The passing score for placement on an eligible list will be determined by the department of personnel based on a consideration of the difficulty of the test, the quality of the competition and the needs of the service.
2. The final earned score will be determined by computing the score on each phase of the examination according to the relative weights which are assigned.
3. Unless otherwise specified in the *publicized job announcement*, a competitor must pass each phase of the examination to proceed to the next phase of the examination. Each competitor must obtain a final passing score exclusive of preferences for residents or veterans.

[Personnel Div., Rule IV § K, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.340 Retaking examinations.

1. An applicant may retake an examination *for the same class* after 60 days have elapsed from the date of the previous examination if:
 - (a) The department of personnel is recruiting for the class which was the subject of the previous examination; and
 - (b) The applicant meets the conditions of the recruitment.
2. An applicant may retake an examination *for the same* before 60 days have elapsed from the date of the previous examination if the department of personnel is recruiting for the class which was the subject of the previous examination, the applicant meets the conditions of the recruitment and:
 - (a) The applicant has demonstrated that he has gained additional qualifications which indicate that he may be able to improve his score on the training and experience portion of the examination; or
 - (b) The examination is a measure of the applicant's manual skill or physical agility.
3. When an applicant retakes an examination *for the same class*, the score of the most recent examination will determine eligibility *and will replace the score of the previous examination*.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 11-16-95; R183-03, 1-27-2004)

NAC 284.342 Veterans' preferences.

An applicant must declare his intention to request veteran's preference *points pursuant to NRS 284.260* before the examination. Proof of eligibility for preference as a veteran must be submitted no later than the last day on which the applicant takes the last phase of the ranking portion of the examination. *If the examination is a promotional examination, the placement of the employee's name on the promotional list exhausts the veteran's preference points for that employee for all future promotional examinations.*

[Personnel Div., Rule IV § L, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.346 Review of examination.

1. *Except as otherwise provided in this section, within 10 working days after the date of the postmark on a notification of a grade pertaining to an examination, a candidate or a representative to whom the candidate has provided written authorization may review the results of the candidate's examination as follows:*
 - (a) If the examination was written, *the* Department of Personnel will review with the candidate or his representative the cover sheet of *the* examination *taken by the candidate* which lists both the areas of subject matter included in the written examination and the number of correct and incorrect responses in those areas.
 - (b) *If the examination was a rating of training and experience, the Department of Personnel will review with the candidate or his representative the scores received on each phase of the rating plan.*
 - (c) If the examination was oral, the department of personnel will review with the candidate or his representative the taped record of the candidate's oral examination. The candidate or his representative may also review general areas of the oral examination in which he gave incorrect answers, the oral questions and the procedures or methods of examination.
 - (d) If the examination was conducted by a center for assessment, the department of personnel will review with the candidate or his representative the final scores or the summary evaluation, or both.
2. Items which are reviewed by the department of personnel and found to be incorrect must be revised or eliminated.
3. *A candidate or his representative may not review the correct answers to questions answered incorrectly on an examination, regardless of its type, if the examination is copyrighted, standardized, on loan from other jurisdictions, used for more than one class, or used on a continuous basis.*
4. In the case of an oral examination, answers suggested as a guideline and board members' remarks and *consensus* ratings are confidential and may not be reviewed by the applicant or his representative.
5. In the case of an examination conducted by a center for assessment, oral, written and performance exercises, assessors' remarks and individual ratings are confidential and may not be reviewed by the applicant or his representative.
6. If the candidate disagrees with and wishes to *dispute* the results of his examination, he must submit a written *request for review* by the Department of Personnel within 10 working days after *receiving the results*. *Such a request must include the specific areas of dispute. If a candidate is not satisfied with the decision of the Department of Personnel and he is a permanent state employee, he may file a statement of grievance pursuant to NAC 284.678 to appeal that decision to the committee.*

[Personnel Div., Rule IV § N, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 8-28-85; 9-30-88; 11-12-93; R183-03, 1-27-2004)

NAC 284.350 Correction of error in rating, scoring or computing results.

1. If the department of personnel finds that any error occurred in rating, scoring or computing the results of an examination, the department will make the appropriate correction on the eligible list.
2. If the director or the committee determines that the error was intentional, an appointment previously made from the eligible list may be invalidated.

[Personnel Div., Rule IV § O, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.358 Types of lists.

1. The types of lists of eligible persons and the priority for their use are as follows:
 - (a) Reemployment lists.
 - (b) Lists of persons with disabilities who are eligible for temporary limited appointments pursuant to NRS 284.327, at the option of the appointing authority.
 - (c) Transfer lists, at the option of the appointing authority.
 - (d) Divisional promotional lists.
 - (e) Departmental promotional lists.
 - (f) Statewide promotional lists.
 - (g) Lists of persons determined to be eligible from open competitive recruitments.
 - (h) Lists of eligible persons of comparable classes.
2. The names on each list must be used as prescribed in NAC 284.378.
3. The open and promotional lists referred to in paragraphs (d) to (h), inclusive, of subsection 1 must be:
 - (a) Based on the type of recruitment prescribed by the department of personnel; and
 - (b) Described in the *publicized job announcement*.

The establishment of any other type of list from the initial recruitment must be in accordance with NAC 284.379.

[Personnel Div., Rule V § A, eff. 8-11-73]—(NAC A by Dep't of Personnel, 4-20-90; 7-6-92; R183-03, 1-27-2004)

NAC 284.360 Methods of certification; priority of reemployment lists; willingness to accept employment.

1. Upon *receipt of the appropriate form from an appointing authority for a list of eligible candidates in a specific class, the Department of Personnel will verify the availability of a reemployment list for that class. If a reemployment list is available, the Department of Personnel will provide the reemployment list to the appointing authority. Eligible persons who appear on reemployment lists are ranked in order of seniority. Except as otherwise provided in subsection 2 of NAC 284.6017, placement on a reemployment list will be determined using the criteria governing the determination of seniority for layoff pursuant to section 2 of LCB*

File No. R096-03, which was adopted by the Personnel Commission and was filed with the Secretary of State on October 30, 2003.

2. *If there is no reemployment list available, the Department of Personnel will, in accordance with subsections 3 and 4, certify the names of eligible persons on ranked or unranked lists, or waive the list.*
3. *The names of eligible persons on ranked lists will appear in the order of the total rating which they earned in the examination, including preferences for veterans and residents.*
4. *The Department of Personnel may certify a list of eligible applicants who are not ranked, or may waive the list for:*
 - (a) *A class that is grade 20 or below;*
 - (b) *A class designated in the classification plan as entry level; or*
 - (c) *A class in which applicants for promotion are not normally available.*
5. *Eligible persons who have requested a transfer and persons with disabilities who are eligible for temporary limited appointments pursuant to NAC 284.364 will be certified on the same list as other eligible persons and may be considered at the option of the appointing authority.*
6. *Only an eligible person who has indicated his willingness to accept the location of the vacancy and the other conditions of employment will be certified.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84; R183-03, 1-27-2004)

NAC 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments. (NRS 284.155, 284.327)

1. Pursuant to NRS 284.327, the Rehabilitation Division of the Department of Employment, Training and Rehabilitation *may provide* to the Department of Personnel the names of persons with disabilities *certified by the Rehabilitation Division* who are eligible for temporary limited appointments of 700 hours' duration. Upon receipt from the Rehabilitation Division of the job applications and job recommendations, the Department of Personnel will evaluate the information against the job requirements and minimum qualifications of the recommended classes. *Through noncompetitive means, the names of qualified persons will be placed in a 700-hour category on the eligible list and certified to the requesting agency for consideration.*
2. A current probationary or permanent state employee who occupies a permanent full-time position is not eligible for the provisions of this section unless his disability jeopardizes his continued employment in his present position and placement on the list does not merely circumvent the provisions of this chapter governing promotion or transfer.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 12-26-91; 7-6-92; R098-99, 9-27-99; R183-03, 1-27-2004)

NAC 284.370 Integration of subsequent list; material change in required qualifications. (NRS 284.155, 284.250)

1. *The names of eligible persons on current lists may be integrated onto subsequent lists for the same class if there has been no material change in the qualification requirements. If the list*

is a ranked list, the names of eligible persons will be integrated according to the final scores of those eligible persons.

2. If a material change occurs, *eligible persons from other current lists for the same class may be offered the choice of retaking the examination or integrating their previous score, but only if they also meet any new qualification requirements. The decision to retake the examination cannot be reversed once any phase of the new examination has been taken. The results of the most recent examination will prevail.*
3. *As used in this section, "material change" includes, without limitation, a change in the minimum qualifications for the class or the subject matter, scope, or weights of various phases of the examination.*

[Personnel Div., Rule V § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R082-00, 8-2-2000; R183-03, 1-27-2004)

NAC 284.374 Active lists: Removal and reactivation of names; refusal to consider certain persons.

1. The names of eligible persons will be removed from the active lists for any of the following causes:
 - (a) Appointment after certification to fill a full-time permanent position in the class for which the examination was given.
 - (b) Expiration of the term of eligibility.
 - (c) Separation of a person who is eligible for promotion from the state service.
 - (d) Failure by an eligible person to respond within the required time to an inquiry of availability.
 - (e) A statement by the eligible person that he is not willing to accept any type of appointment from the eligible list.
 - (f) Any of the causes listed in NRS 284.240 *pursuant to which the Director may refuse to examine or certify an eligible person, failure to disclose convictions as required by NAC 284.314 or , if the employee has been laid off, reemployment pursuant to subsection 5 of NAC 284.630.*
2. An appointing authority *need not* consider an eligible person *more than* three times from *a recruitment. Consideration of an applicant for* other than full-time permanent positions *must* not be counted for the purposes of this subsection.
3. An appointing authority may refuse to consider an eligible person who has been subject to a suspension, demotion or termination as a result of an upheld or uncontested disciplinary action in the preceding 12 months. The 12-month period begins on the effective date of the uncontested action or if it is contested, on the date the hearing officer issues his final decision upholding a suspension, demotion or termination. *If an employee is removed from consideration pursuant to this subsection, the appointing authority must notify the employee of that fact in writing before interviewing the next candidate or making its selection. The employee has 3 working days after being notified that he has been removed from consideration pursuant to this subsection to notify the appointing authority of any discrepancy in the information in his personnel file which led to the removal of the employee from consideration. The appointing authority may not make its selection:*

- a) *If the employee does not notify the appointing authority of a discrepancy, until after the end of the period pursuant to which the employee may notify the appointing authority of a discrepancy; or*
 - b) *If the employee notifies the appointing authority of a discrepancy, until after the appointing authority determines whether the removal of the employee from consideration pursuant to this subsection was appropriate.*
4. An appointing authority shall refuse to consider an eligible person whose appointment to a position will violate NRS 281.210, NAC 284.375 or a policy approved by the commission pursuant to NAC 284.375.
5. An eligible person whose name has been removed from an active list may request that his name be reactivated by stating his reasons for the request. If the department of personnel determines that the reasons are justified, and the person's term of eligibility has not otherwise expired, his name may be reactivated.

[Personnel Div., Rule V § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 12-26-91; 7-1-94; 8-16-96, eff. 10-1-96; R069-02, 8-14-2002; R182-03, 1-27-2004)

NAC 284.375 Appointing authority prohibited from appointing related persons under certain circumstances; exceptions. (NRS 284.155)

1. Except as otherwise provided in subsection 2 and NRS 281.210, an appointing authority shall not appoint a person to a position in the classified service on or after:
- (a) October 1, 1996, if, upon his appointment, the person will be in the direct line of authority-of:
 - (1) A spouse, child, parent or sibling of the person;
 - (2) The spouse of a child, parent or sibling of the person; or
 - (3) An aunt, uncle, niece, nephew, grandparent, grandchild or first cousin of the person.
 - (b) September 6, 2001, if, upon his appointment, the person will be in the direct line of authority of a person with whom he is in a dating relationship.
2. An appointing authority may adopt a written policy authorizing the appointment of persons to a position or class of positions that would otherwise *be prohibited by* the provisions of subsection 1 if the appointing authority determines that, for the positions for which the policy applies, the enforcement of the provisions of subsection 1 will be impracticable and cause an undue hardship to the appointing authority. In making this determination, the appointing authority may consider, among other factors, the difficulty in recruiting applicants for the positions for which the policy applies.
3. A written policy adopted pursuant to subsection 2:
- (a) Must *comply with* the provisions of NRS 281.210; and
 - (b) Is *effective upon approval* by the Commission.

(Added to NAC by Dep't of Personnel, 8-16-96, eff. 10-1-96; A by R058-01, 9-6-2001; R183-03, 1-27-2004)

NAC 284.378 Use of lists and consideration of eligible persons. (NRS 284.155, 284.250) When using lists of persons who are eligible and considering eligible persons who have been certified, the following conditions apply:

1. When a reemployment list is certified:
 - (a) Eligible persons who are available for appointment and who are certified on reemployment lists, other than seasonal reemployment lists, must be hired in the order in which they appear unless the appointing authority, upon submitting written justification, obtains the written concurrence of the governor to deviate from the order of priority or to hire from another list. The appointing authority must make the written justification available for examination by affected persons or their designated representatives.
 - (b) A person must accept or refuse *an offer of reemployment*:
 - (1) *If the offer of reemployment is sent by mail to the person, within 6 calendar days after the postmarked date appearing on the envelope in which the offer was mailed; or*
 - (2) *If the offer is an oral offer of reemployment, within 3 business days after the oral offer has been made.*
2. The appointing authority may request selective certification for a particular position if the normal method of certification does not provide candidates qualified to perform the duties of the position satisfactorily. Where selective certification is necessary, the appointing authority *shall* furnish in writing the special requirements peculiar to the position and his reasons therefor. If the facts and reasons justify such a method of selection, the Department of Personnel may certify the highest ranking eligible persons who possess the special qualifications.
3. Certification of only eligible persons who are the same sex will not be made unless there is clear evidence that the duties assigned could be performed efficiently only by the sex specified.
4. When using ranked lists other than those for reemployment, the appointing authority *shall* attempt to communicate, as provided in NAC 284.382, with persons in the first five ranks to determine their availability and qualifications. The names on each type of list must be considered before names from the next succeeding list. If there are fewer than five ranks with persons who are available for appointment on a given list and the appointing authority requests a full complement of five ranks, the name or names at the top of the next succeeding list must be combined with those on the preceding list to establish five eligible ranks with persons who are available for appointment. Except as otherwise provided in subsection 6, all competitive appointments from ranked lists must be made from the persons who:
 - (a) Are in a rank of persons who received the five highest scores on the examination; and
 - (b) Are available for appointment.
5. If the list is unranked or waived, the appointing authority *shall* attempt to communicate, as provided in NAC 284.382, with at least five eligible persons he deems most qualified based upon a review of their respective qualifications as they relate to the position or class, or with all of the eligible persons if there are five or less. Except as otherwise provided in subsection 1, any eligible person who is certified from an unranked or waived list may be appointed.
6. If persons from fewer than five ranks of eligible persons are willing to accept appointment:
 - (a) The appointing authority may make an appointment from among those remaining available eligible persons.

- (b) Certification and appointment may be made from other appropriate lists, including lists of higher grades as determined by the department of personnel. The names from other lists will follow those which have been certified, if any, from the original lists.
- (c) A new recruitment may be conducted.
- (d) A provisional appointment may be made only if the requirements of NAC 284.406 are met.

[Personnel Div., Rule V § F, eff. 8-11-73; A 2-5-82]—(NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95; 11-16-95; R082-00, 8-2-2000; R069-02, 8-14-2002; R183-03, 1-27-2004)

NAC 284.380 Correction of error in certification. If the Department of Personnel finds that an error occurred which resulted in a failure to properly certify a name to an agency, the Department will take appropriate action to correct the error. The correction will not invalidate any appointment which was previously made from the certification *unless the Director or Commission determines, pursuant to subsection 2 of NAC 284.350, that the appointment should be invalidated because the error was intentional.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84; R183-03, 1-27-2004)

NAC 284.382 Inquiry of availability.

1. While an eligible person may be contacted to determine his availability, no attempt may be made to obtain a waiver in order to alter the ranking of any person on the list.
2. An eligible person must respond to an inquiry of availability within:
 - (a) Six days after an inquiry by mail has been postmarked;
 - (b) *Three days* after an inquiry by *electronic mail* has been sent;
 - (c) Twenty-four hours after a written inquiry is hand-delivered;
 - (d) Twenty-four hours after an oral inquiry has been made *if the oral inquiry was made during a conversation with the eligible person; or*
 - (e) *If an oral inquiry by telephone was attempted and a voicemail or other similar kind of electronic message was left, 3 days after that message was left.*
3. An exception to a time limit may be granted by the originating agency.

[Personnel Div., Rule V § G, eff. 8-11-73; A 4-4-78]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.383 Reports of appointments. Reports of appointments *made pursuant to NRS 284.121* must include the type of position, the type of appointment, and the employee's status of appointment as follows:

1. The type of classified position, *must* be:
 - (a) Permanent;
 - (b) Special project;
 - (c) Temporary;
 - (d) Seasonal; or

- (e) Intermittent.
- 2. The type of appointment to a classified position *must* be:
 - (a) Demotion;
 - (b) Reemployment;
 - (c) Transfer;
 - (d) Reappointment;
 - (e) Promotion;
 - (f) Reinstatement; or
 - (g) New hire.
- 3. The status of appointment in a classified position *shall* be:
 - (a) Probationary for a nonpermanent employee;
 - (b) Permanent;
 - (c) Trial period for a permanent employee;
 - (d) Provisional;
 - (e) Emergency;
 - (f) Temporary; or
 - (g) Special disabled.
- 4. In the unclassified service, the type of position, type of appointment, and status of appointment are each “unclassified.”

(Added to NAC by Dep’t of Personnel, eff. 10-26-84; A 8-28-85; 8-1-91; 7-6-92; R183-03, 1-27-2004)

NAC 284.386 Separation without prejudice; reinstatement. (NRS 284.155)

- 1. Except as otherwise provided in *subsection 2*, an appointing authority may reinstate *a former permanent* employee within a 2-year period following his termination *from state* employment if *the employee* was separated without prejudice. A separation without prejudice must be determined by the appointing authority *using* the standards contained in NRS 284.240.
- 2. If an employee is laid off and is entitled to have his name appear on a reemployment list pursuant to NAC 284.630, the appointing authority may reinstate the employee within 2 years after the date on which his right to reemployment expires.
- 3. The grade of the class to which a person is reinstated *may only* exceed the current grade of the class he formerly held *or a comparable class if that class has been reallocated*.
- 4. Except as otherwise provided in *subsection 3*, a person may not be reinstated *to underfill* a position allocated at grade 30 or higher if that position is *allocated* at a higher grade than the position the person formerly held.
- 5. A reinstatement to a similar class requires the approval by the Department of Personnel before the appointing authority may make a commitment to reinstate.

6. *It is the responsibility of a person seeking reinstatement to make his interest known by providing a new application to the appointing authority.*
7. The person must meet the current minimum qualifications for the class for which the reinstatement is sought.

[Personnel Div., Rule VI § C, eff. 8-11-73; A 10-10-76]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 10-18-89; 11-12-93; 10-27-97; R183-03, 1-27-2004)

NAC 284.390 Transfers: Generally. (NRS 284.155)

1. *An employee may request a transfer from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority if the positions are in the same class or a comparable class.*
2. *An employee who wishes a transfer to a position in the same class must:*
 - (a) *Make his interest known to the hiring agency; or*
 - (b) *Submit a request for transfer to the Department of Personnel to have his name placed on a transfer list for a position in the same class.*
3. *For a transfer to a position in a comparable class:*
 - (a) *The employee must submit an application to the hiring agency; and*
 - (b) *The Department of Personnel must approve the request for a transfer.*
4. An employee may not transfer through noncompetitive means to *underfill* a position allocated at grade 30 or higher if that position is *allocated* at a higher grade than the position the employee currently occupies.

[Personnel Div., Rule VI § D subsecs. 1-4, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 6-18-86; 7-21-89; 8-1-91; 10-27-97; R183-03, 1-27-2004)

NAC 284.394 Appeal of involuntary transfer.

1. *Except as otherwise provided in subsection 2, an appointing authority may, after giving 5 working days' notice, transfer for the convenience of this state any employee to another position in:*
 - (a) *The same class; or*
 - (b) *A comparable class with the approval of the Department of Personnel.*
2. *The notice required by subsection 1 need not be given if the transfer does not exceed 10 working days. If a bona fide or justifiable emergency exists, a transfer may be made immediately with the prior approval of the Department of Personnel.*
3. *A transfer pursuant to this section must not be made to harass or discipline an employee.*
4. *A permanent employee who is required to transfer to a different geographical location and who declines the transfer has the same rights provided in NAC 284.630 as an employee who is laid off.*
5. *If an employee requests a hearing to appeal an involuntary transfer pursuant to NRS 284.376, the appointing authority may temporarily assign the employee, on a per diem basis,*

to transfer pending disposition of the appeal. The employee may request leave pursuant to NAC 284.589 to prepare for the hearing relating to the involuntary transfer.

6. *As used in this section, "geographical location" has the meaning ascribed to it in NAC 284.612.*

[Personnel Div., Rule VI § D subsec. 5, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-18-89; R183-03, 1-27-2004)

NAC 284.398 Transfers to classified service; certain transfers to unclassified service (NRS 284.022, 284.150, 284.155)

1. An unclassified employee who has less than 4 months of service and whose appointment was immediately preceded by an appointment in the classified service in which the person was a permanent employee may transfer back into the classified service under the same conditions and with the same benefits as classified employees, except that the duties and compensation of the position to which the person is transferred must be similar, as determined by the Department of Personnel, to either the unclassified position or to a previously held classified position.
2. Employees of any governmental agency which is acquired for administration by the state pursuant to NRS 284.022 may transfer into the classified service or unclassified service with the rights and benefits authorized by the Legislature.
3. An employee who transfers into the classified service:
 - (a) Must complete an application and meet the minimum *qualifications for* the class of the position to which he is transferring;
 - (b) Must have his date of transfer and appointment to the classified position effective immediately following the last day of employment in the unclassified or nonclassified position unless he was employed as a legislative employee at the conclusion of a regular session of the legislature to whom subsection 6 of NRS 284.3775 applies; and
 - (c) May retain the credits which he has earned for annual and sick leave and longevity.

[Personnel Div., Rule VI § D subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 1-22-90; 8-1-91; 3-23-94; R146-01, 1-18-2002; R183-03, 1-27-2004)

NAC 284.400 Acceptance of new appointment notice to current appointing authority. An employee who accepts an appointment to a position under the jurisdiction of another appointing authority shall provide not less than 2 weeks' written notice to his current appointing authority before beginning service in the new position, unless the employee and both appointing authorities mutually agree to a shorter period of notice.

(Added to NAC by Dep't of Personnel, eff. 11-16-95; R183-03, 1-27-2004)

NAC 284.402 Voluntary demotions. (NRS 284.155)

1. *Except as otherwise provided in this section, an* employee may request or accept a demotion to a position in a class with a lower grade. The demotion may be permitted if the employee meets the minimum qualifications and if the appointing authority approves.

2. An employee may not be demoted through noncompetitive means to *underfill* a position at grade 30 or higher if *the position to which the employee is requesting or accepting a demotion is allocated* at a higher grade than the position the employee currently occupies.

[Personnel Div., Rule VI § E, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 10-27-97; R183-03, 1-27-2004)

NAC 284.404 Reappointment. (NRS 284.155)

1. A *current* employee may be reappointed to a class he formerly held or to a comparable class if:
 - (a) *The employee* meets the current minimum qualifications and the appointing authority approves *the reappointment; and*
 - (b) *For a reappointment to a comparable class, the Department of Personnel approves the reappointment.*
2. An employee who desires reappointment must make his interest known to the hiring agency.
3. The grade of the class to which an employee is reappointed *may only* exceed the grade of the class he formerly held *or a comparable class if the former or comparable class has been reallocated.*
4. Except as otherwise provided in subsection 3, an employee may not be reappointed to *underfill* a position at grade 30 or higher if that position is *allocated* at a higher grade than the position the employee formerly held.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 10-27-97; R183-03, 1-27-2004)

NAC 284.406 Provisional appointments.

1. An appointing authority may make *a provisional* appointment pursuant to NRS 284.310 if *there* are fewer than *five* ranks of eligible persons available for appointment to the position.
2. *The* Department of Personnel will begin the recruitment within 30 days after the effective date of the *provisional* appointment.
3. *A provisional appointment may* not continue for longer than 30 days after a *list of* five or more ranks of eligible persons who are available for appointment *has been certified.*

[Personnel Div., Rule VI § G, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; 11-16-95; R183-03, 1-27-2004)

NAC 284.410 Emergency appointments.

1. *In the case of an emergency, an* appointing authority may make an appointment pursuant to NRS 284.315 .
2. *For the purposes of this section, an emergency exists* when the appointment is necessary to prevent the stoppage of public business, loss of life, or extensive damage to persons or property.

[Personnel Div., Rule VI § H, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R183-03, 1-27-2004)

NAC 284.434 Seasonal positions.

1. An appointment to a seasonal position may not exceed 9 months *of* full-time equivalent *service* in any 12-month period. A separation from a seasonal position which is a result of the lack of money or the lack of work must be made in accordance with NAC 284.608.
2. *Persons* eligible for seasonal reemployment must be offered employment in the order *that* they appear on the *seasonal* reemployment list before another type of list of eligible persons may be used.
3. Reemployment rights extending 1 year from the date of a seasonal employee's date of separation:
 - (a) Must be granted if the employee has *attained* permanent status; or
 - (b) May be granted, at the discretion of the appointing authority, if the employee *has not attained permanent* status,
if the employee's last *rating of* performance was standard or better.
4. For the purposes of this section, a person's right to reemployment is limited to a seasonal position in the same class, option and department in which he last worked, except that an appointing authority may:
 - (a) Reemploy a former employee who held a seasonal position in another department if he is otherwise eligible.
 - (b) Reemploy a former employee who held a seasonal position in a comparable class if he is otherwise eligible and the department of personnel approves.
5. To be eligible for reemployment the former employee must:
 - (a) *Notify* the agency, in writing, stating the locations where he seeks reemployment; *and*
 - (b) *Be* available for the entire term of employment.
6. Seasonal reemployment lists must be maintained by the employing department, taking into account the provisions in subsection *1* of NAC **284.360** and subsections 3, 4 and 5 of this section.
7. An incumbent in a permanent position may request a seasonal position. By the voluntary acceptance of a seasonal position, an employee gives up any right to return to his former permanent position but, if eligible, may be reappointed.

[Personnel Div., Rule VI part § J, eff. 3-3-77]—(NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 11-16-95; R183-03, 1-27-2004)

NAC 284.436 Intermittent positions.

1. An intermittent position is *a position*:
 - (a) *That* is filled by a person who may be called to work at any time;
 - (b) *That* is used to supplement the agency's full-time staff; and
 - (c) *The* compensation *of which* is separately identified in the budget of the agency.

2. An appointing authority may hire an employee *in* an intermittent position *to supplement the full-time staff of an agency when the staffing needs of the agency fluctuate because of changes in the amount of work. If a position is budgeted as an intermittent position, that position may only be underfilled pursuant to this chapter by an intermittent employee. An intermittent employee may only underfill a position that has been budgeted as an intermittent position.*
4. An employee in an intermittent position *who has attained permanent status:*
 - (a) *Must be given notice of any layoff affecting him not less than 1 week before the layoff; and*
 - (b) *Has a right of reemployment if his last performance evaluation was standard or better.*

The right of reemployment is based on the same formula as that used for other employees except that it extends only to the cost center or division from which his employment was terminated. This right must not operate to the detriment of a permanent full-time employee.
5. As used in this section, “cost center” means an organizational unit or group of organizational units within the Employment Security Division *of the Department of Employment, Training and Rehabilitation.*

(Added to NAC by Dep’t of Personnel, eff. 8-28-85; A 8-1-91; R183-03, 1-27-2004)

NAC 284.437 Underfilling of positions.

1. Except as provided in subsection 4, before a position may be underfilled it must be approved in writing by the Department of Personnel. The Department of Personnel will *only* approve a position to be underfilled if there are *less than* five *eligible ranks* on the appropriate list who are available for appointment.
2. *Except as otherwise provided in subsection 4, if* a position is approved to be underfilled, the Department of Personnel will begin a recruitment for the class of the position unless a recruitment within 12 months before the approval failed to produce sufficient applicants on the appropriate list.
3. *Except as otherwise provided in subsection 4, the* position may not continue to be underfilled for more than 30 working days after five or more *ranks* of eligible persons *on the appropriate list* who are available for appointment are certified to the appointing authority.
4. Subsections 1, 2, and 3 do not apply to the underfilling of a position:
 - (a) If the position is authorized at or below the journey level and an employee fills that position in a class which is a training or intermediate level preparatory to promotion;
 - (b) If an employee’s position is reclassified pursuant to NAC 284.138; or
 - (c) If an appointing authority has requested and received approval from the department of personnel to underfill a position because money is not available and that fact has been certified by the chief of the budget division of the department of administration or, in the case of an agency which is not funded from the general fund or the University and Community College System of Nevada, by the administrator of that agency or system.
5. *An employee or former employee may not be selected through noncompetitive means to underfill a position allocated at grade 30 or higher if that position is allocated at a higher*

grade than the position the employee currently holds or, in the case of a former employee, the current grade of the position the person formerly held.

(Added to NAC by Dep't of Personnel, eff. 8-28-85; R183-03, 1-27-2004)

NAC 284.448 Time not counted toward completion of probationary period. (NRS 284.155, 284.175, 284.290) The following types of leave or temporary status do not count toward the completion of any probationary period:

1. Authorized military leave for active service.
2. Authorized military leave for training beyond the 15 paid working days in any 1 calendar year.
3. Except as otherwise provided in NAC 284.580, any leave without pay and catastrophic leave, combined, in excess of 240 hours or, in the case of an exempt classified employee, 30 working days, *in a year* if the regular work schedule of the employee is 80 hours or less biweekly. If the regular work schedule of an employee is more than 80 hours biweekly, the employee must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours his regular work schedule exceeds 80 hours biweekly. *As used in this subsection, "year" means a period equal to 12 months of full-time equivalent service measured backward from the employee's pay progression date.*
4. Time which is served in a temporary position pursuant to NAC 284.414.
5. Any hours worked which exceed 40 in a week.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 5-27-86; 3-27-92; 9-16-92; 11-16-95; 3-1-96; R147-01, 1-22-2002; R182-03, 1-27-2004)

NAC 284.498 Training of supervisory employee. (NRS 284.155, 284.343)

1. *Except as otherwise provided in this section:*
 - (a) *Within 6 months after an agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend a training class concerning the evaluation of the performance of employees.*
 - (b) *Within 12 months after an agency appoints an employee to a supervisory position or managerial position, the employee shall attend at least one training class in each of the following areas:*
 - (1) *Equal employment opportunity;*
 - (2) *Interviewing and hiring;*
 - (3) *Alcohol and drug testing;*
 - (4) *Progressive disciplinary procedures; and*
 - (5) *Handling of grievances.*
2. *Within 3 years after an agency initially appoints an employee to a supervisory position or managerial position, the employee shall attend additional supervisory or managerial training which, when added to the amount of training received pursuant to subsection 1, equals at least 40 hours of training.*

3. *For every 3-year period after the initial 3-year period, a supervisor or managerial employee shall attend at least 40 hours of training to enhance his supervisory or managerial skills. Such training must include at least two of the training classes described in subsection 1. An employee who receives credit for a training class described in subsection 1 for a 3-year period will not receive credit for taking that same training class in the next two following 3-year periods.*
4. The appointing authority, at its discretion, may accept, in lieu of the training required by *subsection 1*, supervisory *or managerial* training taken by the employee during the **36 months** immediately preceding his appointment.
5. *In addition to the training otherwise required by this section, an* appointing authority may require a supervisor *or managerial employee to* retake any part or all of the training *required by this section, or participate in any* additional training *or other classes* deemed necessary by the appointing authority.
6. To meet the training requirements of this section, the employee may take training from:
 - (a) The employee's agency;
 - (b) A formal training program;
 - (c) The Department; or
 - (d) Any combination of paragraphs (a), (b) and (c).
7. *An employee will not receive credit for any supervisory or managerial training taken for the purposes of this section unless:*
 - (a) *For training classes described in subsection 1, the training class is certified by the Department of Personnel; and*
 - (b) *For all other classes and training, the class or training is certified or otherwise approved by the appointing authority.*
8. *As used in this section:*
 - (a) *"Managerial position" means a position which is held by an employee who:*
 - (1) *Formally evaluates supervisors;*
 - (2) *Is involved in the hiring and firing of subordinate staff;*
 - (3) *Determines organizational structure within a component of the organization; and*
 - (4) *Develops, monitors and carries out policies to accomplish long-range goals.*
 - (b) *"Supervisory position" means a position which is held by an employee who:*
 - (1) *Formally evaluates staff;*
 - (2) *Is involved in the hiring and firing of subordinate staff; and*
 - (3) *Establishes policies which affect the performance or behavior of subordinate staff.*

[Personnel Div., Rule X part § F, eff. 1-18-82]—(NAC A by Dep't of Personnel, 10-26-84; 5-27-86; 10-18-89; 3-23-94; R197-99, 1-26-2000; R182-03, 1-27-2004)

NAC 284.589 Administrative leave with pay. (NRS 284.155, 284.345)

1. An appointing authority may grant administrative leave with pay to an employee:
 - (a) To relieve him of his duties during the active investigation of a suspected criminal violation or the investigation of an alleged wrongdoing;
 - (b) For up to 30 days when the appointing authority initiates the leave to obtain the results of an examination concerning the ability of the employee to perform the essential functions of his position;
 - (c) For up to 30 days to remove the employee from the work environment when he has committed or threatened to commit an act of violence;
 - (d) For up to 2 hours to donate blood; or
 - (e) To relieve the employee of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. The appointing authority, upon approval of the Risk Management Division of the Department of Administration, may extend administrative leave with pay granted to an employee for a purpose set forth in paragraph (b) or (c) of subsection 1.
3. Except as otherwise provided in subsection 4, an appointing authority or the Department of Personnel may grant administrative leave with pay to an employee for any of the following purposes:
 - (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the state but which do not require him to participate or attend in his official capacity as a state employee.
 - (b) Closure of the employee's office or worksite caused by a natural disaster or other similar adverse condition when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.
 - (c) His appearance as an aggrieved employee or a witness at a hearing of the Committee.
 - (d) His appearance as an appellant or a witness at a hearing conducted pursuant to NRS 284.390 by a hearing officer of the Department of Personnel.
 - (e) His appearance to provide testimony at a meeting of the commission.
4. An appointing authority or the Department of Personnel shall grant administrative leave with pay to an employee for a purpose set forth in paragraph (c), (d) or (e) of subsection 3 if:
 - (a) The employee requests the administrative leave for a period of time that is reasonably needed for him to testify at the hearing or meeting;
 - (b) The employee requests the administrative leave at least 2 weeks before the leave is needed, unless such notice is impractical; and
 - (c) The absence of the employee will not cause an undue hardship to the operations of his appointing authority or adversely impact the provision of services to clients or to the public.
5. An appointing authority shall grant administrative leave with pay to an employee for any of the following purposes:

- (a) The initial appointment and one follow-up appointment if the employee receives counseling through the employee assistance program.
- (b) His attendance at a health fair which has been authorized by the Board of the Public Employees' Benefits Program.
- (c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board.
- (d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.
- (e) *Up to 8 hours for preparation for hearings regarding his involuntary transfer.*

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95; 10-27-97; R042-99, 9-27-99; R058-01, 9-6-2001; R183-03, 1-27-2004)

NAC 284.611 Separation for physical, mental or emotional disorder. (NRS 284.155, 284.345)

1. Before separating an employee because of a physical, mental or emotional disorder which results in the inability of the employee to perform the essential functions of his job, the appointing authority *must*:
 - (a) Verify with the employee's physician that the condition does not respond to treatment or an extended absence from work will be required;
 - (b) Determine whether reasonable accommodation can be made to enable the employee to perform the essential functions of his job;
 - (c) *Make a request to the Administrator* of the Rehabilitation Division of the Department of Employment, Training and Rehabilitation *for the use of the services provided by that Division*, or if the employee is receiving workers' compensation, *request the services of* the rehabilitation agency of the insurer, to evaluate the employee's condition as it relates to his job, to suggest possible restructuring of the job and to provide any other rehabilitative services possible; and
 - (d) Ensure that all reasonable efforts have been made to retain the employee.
2. A separation is only justified when:
 - (a) The information obtained through the procedures specified in subsection 1 supports the decision to separate;
 - (b) The employee is not on sick leave, annual leave or other approved leave; and
 - (c) The employee is ineligible for, or has refused, disability retirement.
3. A permanent employee separated pursuant to this section is entitled to the same rights and privileges afforded permanent employees who are dismissed for disciplinary reasons. The procedures contained in NAC 284.656 must be followed, and he may appeal his separation to the hearing officer.

4. A permanent employee who is separated because of a physical, mental or emotional disorder is eligible for reinstatement pursuant to NAC 284.386 if he recovers from the disorder within 2 years after his termination.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91; 12-26-91; 7-6-92; R197-99, 1-26-2000; R182-03, 1-27-2004)

NAC 284.630 Layoffs: Reemployment.

1. The names of permanent employees who have received their notices of layoff will be placed on the statewide reemployment list for the class and option of the position involved in the layoff, in order of seniority. If applicable, the names will be integrated with the names of employees who are eligible for reemployment pursuant to NAC 284.6014. The agency and the employee shall provide the necessary information for reemployment on the form prescribed by the department of personnel for the employee to be placed on the reemployment list.
2. The names of permanent employees who have received their notices of layoff will also be placed on the statewide reemployment list for other classes for which they qualify, in order of seniority, but behind those identified in subsection 1, if those classes do not respectively exceed the level of the class from which the employee was laid off. If applicable, the names will be integrated with the names of employees who are eligible for reemployment pursuant to NAC 284.6014. It is the affected employee's responsibility to demonstrate his interest in, and qualifications for, the classes for which reemployment is sought within 30 days after the date set for his layoff.
3. Part-time employees are not entitled to be reemployed in full-time positions and full-time employees are not entitled to be reemployed in part-time positions.
4. Seniority must be projected and counted up to the established layoff date, or transfer date if the provisions of subsection 4 of NAC ~~284.394~~ apply. Seniority determines ranking on all reemployment lists. The amount of seniority will not be recalculated unless the holder is affected by a subsequent layoff.
5. Each person on the list retains eligibility for appointment therefrom for 1 year from the date he was laid off. Except as otherwise provided in this section, reemployment rights are exhausted when a person accepts or declines an offer of employment in the class or a comparable class with the same grade from the department and geographical location from which he was laid off. Any exception to this provision may be made only if approved by the department of personnel. When a person accepts a position at a grade lower than that held at the time of layoff, his name will be removed from all reemployment lists that are equal to or below the grade accepted.
6. A permanent employee who has been laid off and is being reemployed in the department, class, and option from which he was laid off must have his permanent status restored. A permanent employee who is reemployed in a different class or in a different department than from which laid off shall serve a new probationary period. If the employee does not complete the probationary period his name must be restored to the appropriate reemployment list for any remaining part of the year following the date on which he was laid off. When the right to reemployment expires, the person affected retains his right to reinstatement or reappointment pursuant to NAC 284.386 or 284.404, respectively.

[Personnel Div., Rule XIII § B subsec. 6, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-21-89; 8-1-91; 11-12-93; 3-1-96; R183-03, 1-27-2004)

NAC 284.718 Confidential records. (NRS 284.155, 284.407)

1. The following types of information, which are maintained by the department of personnel or the personnel office of an agency, are confidential:
 - (a) Information relating to salaries paid in other than governmental employment which is furnished to the department of personnel on the condition that the source remain confidential;
 - (b) Any document which is used by the department of personnel or an agency in negotiations with employees or their representatives which has not been made public by mutual agreement;
 - (c) The rating and remarks concerning an applicant by the individual members of the board or assessors of a center for assessment;
 - (d) Materials used in examinations, including suggested answers for oral examinations;
 - (e) Records and files maintained by the employee assistance program;
 - (f) Reports by employers, appointing authorities or law enforcement officials concerning the hiring, promotion or background of applicants, eligible persons or employees;
 - (g) The class title and agency of an employee whose name is excluded from the official roster, as provided in subsection 3 of NAC 284.714, when an inquiry concerning the employee is received;
 - (h) Any information contained on a person's application or relating to his status as an eligible person; and
 - (i) Information in the file or record of employment of a current or former employee which relates to his:
 - (1) Performance;
 - (2) Conduct, including any disciplinary actions taken against him;
 - (3) Race, ethnic identity or affiliation, sex, disability~~[-]~~ or date of birth;
 - (4) Home telephone number; or
 - (5) Social security number.
2. If the employee has requested that his personal mailing address be listed as confidential, his file must be so designated and list his business address.
3. The name of any beneficiary of an employee contained in the payroll document must not be released to anyone unless:
 - (a) The employee dies; or
 - (b) The employee signs a release.
4. Any records in the possession of the Committee on Catastrophic Leave created pursuant to NRS 284.3627 that reveal the health, medical condition or disability of a current or former employee or a member of his immediate family are confidential.

5. *Any notes, records, recordings or findings of an investigation conducted by the Department of Personnel relating to sexual harassment or discrimination, or both, and any findings of such an investigation that are provided to an appointing authority are confidential.*

[Personnel Div., Rule XVI part § C, eff. 8-11-73]—(NAC A by Dep't of Personnel, 8-28-85; 7-21-89; 7-6-92; 11-12-93; R058-01, 9-6-2001; R068-03; R182-03, 1-27-2004)

NAC 284.730 Retention of records. All records of the Department of Personnel will be retained or disposed of in accordance with the records retention and disposal schedule approved by *Committee to Approve Schedules for the Retention and Disposition of Official State Records.*

[Personnel Div., Rule XVI § D, eff. 8-11-73]—(NAC A by Dep't of Personnel, 10-26-84; R182-03, 1-27-2004)